

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 09-CR-20177

vs.

HON. BERNARD A. FRIEDMAN

DEANDRE JAMES,

Defendant.

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**ORDER TRANSFERRING DEFENDANT’S MOTIONS FOR APPOINTMENT OF COUNSEL  
TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

Defendant has filed two motions for the appointment of counsel that are both dated July 17, 2019: (1) “motion of the appointment of counsel based on newly discovered evidence” [docket entry 31], and (2) “motion of the appointment of counsel based on newly discovered evidence ‘Rehaif v. U.S., No. #17-19560’” [docket entry 32]. In these motions, defendant seeks relief in light of *Rehaif v. United States*, 139 S. Ct. 2191 (2019). The instant motions appear to be second or successive 28 U.S.C. § 2255 motions, the first such motion having been filed on June 17, 2016 [docket entry 21]. A second or successive § 2255 motion “must be certified as provided in section 2244 by a panel of the appropriate court of appeals . . .” 28 U.S.C. § 2255. When, as in this case, a second or successive § 2255 motion is filed without the required certification, the district court is required to transfer the motion to the court of appeals. *See In re Hanserd*, 123 F.3d 922, 934 (6th Cir. 1997). Accordingly,

IT IS ORDERED that defendant’s (1) “motion of the appointment of counsel based on newly discovered evidence,” and (2) “motion of the appointment of counsel based on newly discovered evidence ‘Rehaif v. U.S., No. #17-19560’” are hereby transferred to the United States Court of Appeals for the Sixth Circuit.

Dated: April 28, 2020  
Detroit, Michigan

s/Bernard A. Friedman  
Bernard A. Friedman  
Senior United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on April 28, 2020.

Deandre James #43555039  
Pollock U.S. Penitentiary  
Inmate Mail/Parcels  
P.O. Box 2099  
Pollock, LA 71467

s/Johnetta M. Curry-Williams  
Case Manager